



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMBAC ASSURANCE CORPORATION and
THE SEGREGATED ACCOUNT OF AMBAC
ASSURANCE CORPORATION,

Plaintiffs,

-against-

CAPITAL ONE, N.A., as successor by merger
to CHEVY CHASE, F.S.B.,

Defendant.

MEMO ENDORSED

No. 12-cv-7937 (MTC)

NOTICE OF DEFENDANT'S MOTION
TO DISMISS THE COMPLAINT
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)(6)

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and the supporting Declaration of Cameron S. Matheson, with exhibits, and all proceedings had herein, the defendant Capital One, N.A., will move this Court, before the Honorable Miriam Goldman Cedarbaum, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14A, New York, New York 10007, for an Order dismissing the Complaint filed in this matter pursuant to Federal Rule of Civil Procedure 12(b)(6).

Pursuant to Rule 3.C of this Court's Individual Practices, Defendant Capital One respectfully requests that the return date of this motion be set for Thursday, March 7, 2013, at 10:00 a.m.

Motion withdrawn,
So ordered,
March 27, 2014

S/
United States District Judge'

Dated: February 6, 2013
Glen Allen, Virginia

Respectfully submitted,

/s/ Cameron S. Matheson
Cameron S. Matheson

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No. 12-cv-7937

DECLARATION OF
CAMERON S. MATHESON

I, CAMERON S. MATHESON, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a shareholder in the law firm Murphy & McGonigle, PC, counsel for the defendant Capital One, N.A., ("Capital One").
2. I submit this Declaration in support of Capital One's contemporaneously filed motion to dismiss the complaint in this matter.
3. Attached to this Declaration as Exhibit A are true and correct copies of the relevant excerpts of the Pooling and Servicing Agreement pertaining to the "Chevy Chase Funding LLC Mortgage-Backed Certificates, Series, Series 2007-1."
4. Attached to this Declaration as Exhibit B are true and correct copies of the relevant excerpts of the Insurance and Indemnity Agreement pertaining to the "Chevy Chase Funding LLC Mortgage-Backed Certificates, Series, Series 2007-1"
5. Attached to this Declaration as Exhibit C are true and correct copies of the relevant excerpts of the March 24, 2010 "Order for Temporary Injunctive Relief" issued by the Circuit Court for Dane County, Wisconsin.

I further declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

Dated: February 6, 2013

Glen Allen, Virginia

/s/ Cameron S. Matheson
Cameron S. Matheson